

Serial No. 09/548,414

March 3, 2004

Reply to the Office Action dated December 16, 2003

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### REMARKS/ARGUMENTS

Claims 1-3, 5, 9, 10, and 12-18 are pending in this Application. By this amendment Applicant amends claims 1-3, 5, 9, 10 and 13-17.

Applicant appreciates the Examiner's indication that claims 1 and 2 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. § 112, second paragraph, and that claims 3, 9, 10, 12 and 16-18 would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112, second paragraph and to include all of the features of the base claim and any intervening claims.

Claims 1-3, 9, 10, 12 and 16-18 were rejected under 35 U.S.C. § 112, second paragraph, for allegedly being indefinite. Applicant has amended claims 1-3, 9, 10 and 13-17 to correct the informalities noted by the Examiner. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.

The Examiner alleged that "[t]his application contains claims 5, and 13-15, drawn to an invention nonelected with traverse in Paper No. 01/17/02. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate actions (37 CFR 1.144)." Applicant respectfully disagrees.

Claims 5 and 13-15 are directed to a nonelected species, **NOT** to a nonelected invention as alleged by the Examiner. Since claims 5 and 13-15 depend upon generic claim 1, the Examiner **MUST** rejoin and allow claims 5 and 13-15. Accordingly, Applicant respectfully requests that the Examiner rejoin and allow claims 5 and 13-15 along with generic claim 1.

In view of the foregoing amendments and remarks, Applicant respectfully submits that claims 1-3, 9, 10, 12 and 16-18 are allowable, as indicated by the Examiner. In addition, as noted above, since claims 5 and 13-15 are dependent upon generic claim 1, Applicant respectfully requests that the Examiner rejoin and allow claims 5 and 13-15 along with generic claim 1.

In view of the foregoing remarks, Applicant respectfully submits that this application is in condition for allowance. Favorable consideration and prompt allowance

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are solicited.

The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1353.

Respectfully submitted,

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